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7590 01/27/2006			EXAMINER	
Kurt P. Leyendecker, Esq. BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP 7th Floor 12400 Wilshire Boulevard Los Angeles, CA 90025			BOYCE, ANDRE D	
			ART UNIT	PAPER NUMBER
			3623	
DATE MAILED: 01/27/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/740,502

Applicant(s)

BOONE, BARRY

Examiner

Andre Boyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-94 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-94 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/10/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Final office action is in response to Applicant's amendment filed November 10, 2005. Claims 1, 22, 37, 50, 53, 63, 71-73, 83, and 92-94 have been amended. Claims 1-11 and 13-94 are pending.
2. The previously pending rejections to claims 1-3, 13-22, 24-29, 37-42, 48, 71, 72, and 83-91 under 35 U.S.C. 101 have been withdrawn.
3. Applicant's arguments with respect to claims 1-11 and 13-94 have been considered but are moot in view of the new ground(s) of rejection, necessitated by Applicant's amendments to the claims.
4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

5. Claims 1-11, 13, 17, 37-50, 53, 54, and 57-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuerst (USPN 6,189,029), in view of Falk et al (US 2001/0037206), in further view of the Feedback Forum (eBay.com, November 10, 1999, via web.archive.org).

As per claim 1, Fuerst discloses a method of operating an online feedback forum (online customer feedback, column 2, lines 63-65) comprising: receiving a request from a first user to leave feedback about a second user (customer requests to leave feedback about a company's product, column 2, lines 63-67); generating, independent of the first and second users (i.e., the customer service workgroup, which is independent of the company product, since the first user is not leaving feedback associated directly with the customer service workgroup, column 2, lines 63-67), a set of predefined feedback comments to be displayed to the user (i.e., scaled response, wherein the answer is selected from among a plurality of options, column 6, lines 38-41), each predefined feedback comment of the set of predefined feedback comments being associated with an indicator (survey tool assigns each question a unique question identification number, QID, column 5, lines 38-40); identifying a predefined feedback comment from the set of predefined feedback comments as having been selected by the first user (i.e., upon receipt of the web page the user may answer the questions, column 7, lines 45-46); and storing an indicator associated with the predefined feedback comment in a data structure associated with the second user (results and the QID are stored in table 600, column 7, lines 46-48).

Fuerst does not explicitly disclose the set of predefined feedback comments relate to an online purchasing transaction, which is associated with first and second users. Falk et al disclose point of sale (POS) 105 including on-line purchases (§ 0022), wherein the Falk system generates questions and receives feedback related

to the purchase (figure 2). Further Falk et al discloses generating customized questionnaires automatically (¶ 0042).

Neither Fuerst nor Falk et al disclose the predefined feedback comment associated with the indicator represents an opinion of the first user with respect to how the online purchasing transaction with the second user transpired from a perspective of the first user. The Feedback Forum discloses a first user leaving feedback about a second user, via a comment relating to a buy or sell transaction with the second user (pages 1 and 2). Fuerst, Falk et al, and the Feedback Forum are concerned with collecting feedback from users in an on-line environment, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include feedback comments that relate to an online purchasing transaction, wherein the predefined feedback comment associated with the indicator represents an opinion of the first user with respect to how the online purchasing transaction with the second user transpired from a perspective of the first user in Fuerst, as seen Falk et al and the Feedback Forum, thereby providing effective feedback to the customer service work group in Fuerst (see Fuerst column 2, lines 63-67).

As per claim 2, Fuerst discloses retrieving the predefined feedback comments from storage based upon the associated indicator responsive to a request received from a requestor (survey creator obtains results via group ID, including the QID, column 7, lines 65-67).

As per claim 3, Fuerst discloses communicating predefined feedback comments to the requestor (i.e., creator, column 8, lines 4-6).

As per claims 4, 30, 43, and 57, Fuerst discloses the request from the first user is received at a server machine via a communications network (request by user computer 120 for retrieval of the web page survey is transmitted to computer 130, including server 174, column 7, lines 31-38).

As per claims 5, 31, 44, and 58, Fuerst discloses the generating of the set of predefined feedback comments includes generating a markup language document to display the set of predefined feedback comments (column 4, lines 22-25).

As per claims 6, 32, 45, and 59, Fuerst discloses the markup language documents is to display the set of predefined feedback comments as a menu (i.e., comments selected from group).

As per claims 7, 33, 46, and 60, Fuerst discloses the menu comprises any one of a group of menus including a drop-down menu, a radio-button menu (radio type question/answer, column 6, lines 33-35) and a check-box menu.

As per claims 8, 34, 47, and 61, Fuerst discloses said identifying of the predefined feedback comment includes receiving a communication from a client machine (user computer 120) at a server machine (server 174 in machine 130, column 4, lines 46-50) responsive to a selection of the predefined feedback comment utilizing a markup language document .

As per claims 9, 35, 48, and 62, Fuerst discloses said communicating of the predefined feedback comment includes transmitting the predefined feedback

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comment from a server machine over a communications network to a client machine of the requestor (creator computer 130 receives comments/answers across network communications link 106, column 7, lines 31-36).

As per claims 10, 36, 49, and 70, Fuerst discloses said communicating of the predefined feedback comment includes generating a markup language document including the predefined feedback comment at a server machine and transmitting the markup language document to the requestor via a communications network (creator computer 130 receives and processes HTTP requests, column 7, lines 35-37).

As per claim 11, Fuerst discloses including receiving a request from a requestor to view feedback associated with the second user, and wherein said retrieving the predefined feedback comment is in response to a request by a requestor to view feedback associated with the second user (customer service group getting customer feedback on a certain product, column 2, lines 63-65).

As per claims 13 and 54, neither Fuerst nor Falk et al disclose the online transaction is facilitated by an auction. The Feedback Forum page from eBay.com discloses a comment relating to a buy or sell transaction conducted as an online auction (page 2). Fuerst, Falk et al, and the Feedback Forum are concerned with collecting feedback from users in an on-line environment, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the online transaction facilitated by an auction in Fuerst, as seen in the Feedback Forum, thereby increasing the robustness and flexibility of the Fuerst system.

As per claim 17, Fuerst discloses the set of predefined feedback comments is distributed among several lists, a first list comprising negative comments, a second list comprising neutral comments, and the third list comprising positive comments (i.e., disagree, neutral, agree, column 6, lines 38-41).

As per claim 37, Fuerst discloses a method of operating an online feedback forum (online customer feedback, column 2, lines 63-65) comprising: receiving a request from a first user to leave feedback about a second user (customer requests to leave feedback about a company's product, column 2, lines 63-67); determining, independent of the first and second users (i.e., the customer service workgroup, which is independent of the company product, since the first user is not leaving feedback associated directly with the customer service workgroup, column 2, lines 63-67), whether to communicate to the first user a prompt to enter a freeform feedback comment or to communicate a set of predefined feedback comments based on information about either the first or second user (i.e., creator determines user population and questions to be provided based upon the user population, column 7, lines 21-24); retrieving a set of predefined feedback comments and communicating the set of predefined feedback comments to the first user (i.e., scaled response, wherein the answer is selected from among a plurality of options, column 6, lines 38-41); identifying a predefined feedback comment from the set of predefined feedback comments selected by the first user, (i.e., upon receipt of the web page the user may answer the questions and the results are stored in table 600, column 7, lines 45-48); communicating the selected predefined feedback comment

to a requesting user (survey creator obtains results via group ID, column 7, lines 65-67).

Fuerst does not explicitly disclose the selected predefined feedback comment is related to an online purchasing transaction, which occurred between the first and second users. Falk et al disclose point of sale (POS) 105 including on-line purchases (§ 0022), wherein the Falk system generates questions and receives feedback related to the purchase (figure 2). Further Falk et al discloses generating customized questionnaires automatically (§ 0042).

Neither Fuerst nor Falk et al disclose the selected predefined feedback comment represents an opinion of the first user with respect to how the online purchasing transaction transpired from a perspective of the first user. The Feedback Forum discloses a first user leaving feedback about a second user, via a comment relating to a buy or sell transaction with the second user (pages 1 and 2). Fuerst, Falk et al, and the Feedback Forum are concerned with collecting feedback from users in an on-line environment, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include feedback comments that relate to an online purchasing transaction, wherein the selected predefined feedback comment represents an opinion of the first user with respect to how the online purchasing transaction transpired from a perspective of the first user in Fuerst, as seen Falk et al and the Feedback Forum, thereby providing effective feedback to the customer service work group in Fuerst (see Fuerst column 2, lines 63-67).

As per claim 38, Fuerst discloses said determining whether to communicate to the first user a prompt to enter a freeform feedback comment (i.e., input/short answer text response, column 6, lines 35-38) or to communicate a set of predefined feedback comments (i.e., scaled responses), the information about either the first or second user includes the national site through which the first or second user is registered (web site address) .

As per claim 39, Fuerst discloses said determining whether to communicate to the first user a prompt to enter a freeform feedback comment (i.e., input/short answer text response, column 6, lines 35-38) or to communicate a set of predefined feedback comments (i.e., scaled responses), the information about either the first or second user includes the domicile or residence of the first or second user (user country or city of origin for flight information, column 10, lines 25-28).

As per claims 40-42, neither Fuerst, Falk et al, nor the Feedback Forum explicitly disclose choosing to display the set of predefined feedback comments if the information about either the first or second user indicates an association with a predefined group of states, where the predefined group of states is states identified as having strict laws relating to published content, and strict slander laws. However, it is old and well known, based upon both common and statutory law, that states may be recognized as having strict publishing and/or slander laws. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include particular comments based upon the user's

associated state in Fuerst, thereby making the system more flexible in determining comments based upon user information.

Claims 50 and 53 are both rejected based upon the rejection of claims (1 and 2), since they are the machine-readable and system (i.e., e-commerce facility) claims, corresponding to the method claims. Further, Fuerst discloses users able to obtain airline schedule and fare information by accessing the airline Web page (i.e., plurality of users on an e-commerce facility).

Claims 63-69 are rejected based upon the rejections of claims 53, 53, and 58-62, respectively, since they are the machine-readable claims corresponding to the e-commerce facility claims.

Claims 71 and 72 are rejected based upon the same rationale as the rejection of claim 1.

6. Claims 14-16, 18-36, 51, 52, 55, 56, and 73-94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuerst, in view of Falk et al, in further view of the Feedback Forum, as applied to claims 1, 50, and 53 above, in further view of Bayer et al (USPN 6,311,190).

As per claims 14-16, neither Fuerst, Falk et al, nor the Feedback Forum disclose generating a set of predefined feedback responses to be displayed to the second user, the predefined feedback responses available in the set of predefined responses based upon the content of the predefined feedback comment, each predefined feedback response of the set of predefined feedback responses

associated with a response indicator; detecting selection of a predefined feedback response by the second user from the set of predefined responses; storing the response indicator associated with the predefined response in a data structure associated with the first user; retrieving the predefined feedback response from storage responsive to a second request received from a second requestor, and communicating the predefined feedback response to the second requestor.

Bayer et al discloses the network server 12 validating the answers of the incoming registration data, wherein the network server will send an error message (i.e., response) if the answers (i.e., comments) are not valid. Further, each answered response is added to a new record of the registration data table, including the language of the user, wherein an e-mail confirmation message (i.e., response) is sent (column 30, lines 16-42). Both Fuerst and Bayer et al are concerned with surveying via the internet, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include responses to the comments in Fuerst, as seen in Bayer, making the Fuerst system more flexible and robust, by allowing communication between users.

As per claims 18 and 21, neither Fuerst, Falk et al, nor the Feedback Forum disclose the language in which the predefined feedback comment is communicated to the requestor is based on information associated with the requestor, including the requestor's preferred language. Bayer et al discloses conducting surveys over the internet to multiple users in multiple countries in different languages (column 2, lines 9-12 and figure 1). Further, Bayer discloses enabling a voter or other registrant to

register with system 10 in their preferred language (column 5, lines 53-58). Both Fuerst and Bayer et al are concerned with surveying via the internet, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the requestor's preferred language in Fuerst, as seen in Bayer, making the Fuerst system more flexible and robust, by allowing the use of multiple languages.

As per claim 19, Fuerst discloses the information includes the national site through which the requestor is registered (web site address, including an airline site, column 10, lines 20-25).

As per claim 20, Fuerst discloses the information includes the requestor's place of residence (i.e., user country or city of origin for flight information, column 10, lines 25-28).

As per claim 22, Fuerst discloses a method of operating an online feedback forum (online customer feedback, column 2, lines 63-65) comprising: receiving a request from a first user to leave feedback about a second user, (customer requests to leave feedback about a company's product, column 2, lines 63-67); retrieving, independent of the first and second users (i.e., the customer service workgroup, which is independent of the company product, since the first user is not leaving feedback associated directly with the customer service workgroup, column 2, lines 63-67), a set of predefined feedback comments in a first language (e.g., english) and communicating the set of predefined feedback comments to the first user (i.e., scaled response, wherein the answer is selected from among a plurality of options,

column 6, lines 38-41); and identifying a predefined feedback comment from the set of predefined feedback comments selected by the first user (i.e., upon receipt of the web page the user may answer the questions and the results are stored in table 600, column 7, lines 45-48).

Fuerst does not explicitly disclose the feedback is related to an online purchasing transaction occurred between the first and second users. Falk et al disclose point of sale (POS) 105 including on-line purchases (§ 0022), wherein the Falk system generates questions and receives feedback related to the purchase (figure 2). Further Falk et al discloses generating customized questionnaires automatically (§ 0042).

Neither Fuerst nor Falk et al disclose the predefined feedback comment represents an opinion of the first user with respect to how the online purchasing transaction transpired with the second user from a perspective of the second user. The Feedback Forum discloses a first user leaving feedback about a second user, via a comment relating to a buy or sell transaction with the second user (pages 1 and 2).

Neither Fuerst, Falk et al, nor the Feedback Forum disclose communicating the predefined feedback comment to a requesting user in a second language. Bayer et al discloses conducting surveys over the internet to multiple users in multiple countries in different languages (column 2, lines 9-12 and figure 1). Fuerst, Falk et al, the Feedback Forum, and Bayer are concerned with surveying via the Internet in order to sample and collect feedback from users in an on-line environment, therefore

it would have been obvious to one having ordinary skill in the art at the time the invention was made to include feedback comments that relate to an online purchasing transaction and communicating feedback in a second language, and wherein the predefined feedback comment represents an opinion of the first user with respect to how the online purchasing transaction transpired with the second user from a perspective of the second user in Fuerst, as seen Falk et al the Feedback Forum, and Bayer, respectively, thereby providing effective feedback to the customer service work group in Fuerst, (see Fuerst column 2, lines 63-67), while making the system more flexible by allowing the use of multiple languages.

As per claim 23, Fuerst discloses the requesting user receives the predefined feedback comment after selecting an appropriate link on his display (i.e., creator selects the desired survey, column 8, lines 1-6).

As per claims 24 and 25, neither Fuerst, Falk et al, nor the Feedback Forum disclose upon identification of the predefined feedback comment, identifying a predefined feedback response to the predefined feedback comment from a set of predefined feedback responses as having been selected by the second user, the set of predefined feedback responses having been retrieved and communicated to second user in the second language, and the set of predefined feedback responses communicated to the second user is based upon the content of the predefined feedback comment. Bayer et al discloses conducting surveys over the internet to multiple users in multiple countries in different languages (column 2, lines 9-12 and figure 1). Further, Bayer et al discloses the network server 12 validating the

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answers of the incoming registration data, wherein the network server will send an error message (i.e., response) if the answers (i.e., comments) are not valid. In addition, each answered response is added to a new record of the registration data table, including the language of the user, wherein an e-mail confirmation message (i.e., response) is sent (column 30, lines 16-42). Both Fuerst and Bayer et al are concerned with surveying via the internet, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include responses to the comments in a second language in Fuerst, as seen in Bayer, making the Fuerst system more flexible and robust, by allowing communication between users.

As per claim 26, neither Fuerst, Falk et al, nor Bayer disclose the predefined feedback comment is in relation to a transaction conducted by way of an auction conducted over a network. The Feedback Forum page from eBay.com discloses a comment relating to a buy or sell transaction conducted as an online auction (page 2). Fuerst, Falk et al, Bayer et al, and the Feedback Forum are concerned with collecting feedback from users in an on-line environment, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the online transaction facilitated by an auction in Fuerst, as seen in the Feedback Forum, thereby increasing the robustness and flexibility of the Fuerst system.

As per claims 27 and 29, neither Fuerst, Faulk et al, nor the Feedback Forum disclose the first language is based upon information about the first user and the

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information is the registered address of the first user. Bayer discloses enabling a voter or other registrant to register with system 10 in their preferred language (column 5, lines 53-58) and user registration information including name, credit card, and address information (column 1, lines 51-55). Both Fuerst and Bayer et al are concerned with surveying via the internet, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the users preferred language and address information in Fuerst, as seen in Bayer, making the Fuerst system more flexible and robust, by allowing the use of multiple languages.

As per claim 28, Fuerst discloses the information is the national site at which the first user is registered (web site address, including an airline site, column 10, lines 20-25).

Claims 30-36 are disclosed by Fuerst, as seen in the above rejections.

As per claims 51 and 55, neither Fuerst, Faulk et al, or the Feedback Forum disclose the plurality of predefined feedback comments are stored in a plurality of language translations. Bayer et al discloses conducting surveys over the internet to multiple users in multiple countries in different languages (column 2, lines 9-12 and figure 1). Both Fuerst and Bayer et al are concerned with surveying via the internet, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a plurality of languages in Fuerst, as seen in Bayer, making the Fuerst system more flexible and robust.

As per claim 52, neither Fuerst, Faulk et al, or the Feedback Forum disclose directories of predefined feedback responses to the plurality of predefined feedback comments, each predefined feedback response of the plurality of predefined feedback responses associated with each predefined feedback comment with which the predefined feedback response relates. Bayer et al discloses the network server 12 validating the answers of the incoming registration data, wherein the network server will send an error message (i.e., response) if the answers (i.e., comments) are not valid. Further, each answered response is added to a new record of the registration data table, including the language of the user, wherein an e-mail confirmation message (i.e., response) is sent (column 30, lines 16-42). Both Fuerst and Bayer et al are concerned with surveying via the internet, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include responses to the comments in Fuerst, as seen in Bayer, making the Fuerst system more flexible and robust, by allowing communication between users.

As per claim 56 neither Fuerst, Faulk et al, or the Feedback Forum disclose said processor operation to retrieve the selected predefined feedback comment includes the determination of what language translation of the selected predefined feedback comment to retrieve based on a language indicator stored in the record associated with the requestor. Bayer et al disclose each survey record in poll table 36 (column 8, lines 46-56), including the Lang ID indicator that defines each language (column 8, lines 1-3). Both Fuerst and Bayer et al are concerned with surveying via the

internet, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a language indicator associated with each survey in Fuerst, as seen in Bayer, making the Fuerst system more flexible and robust.

Claim 73 is rejected based upon the rejection of claim 22, since it is the system claim corresponding to the method claim.

As per claims 74, 76, 77, 84, and 86 Fuerst discloses the entity is a second and third user and the server automatically providing the second user with the selected comment (i.e., a plurality of authorized users as determined by the creator/requestor, wherein the user is automatically provided web page access via e-mail notification, column 7, lines 21-26).

As per claims 75 and 85 Fuerst discloses the entity is a good (company product, column 3, line 65).

As per claim 78 and 87 Fuerst discloses prior to the server providing the first user with the plurality of predefined comments, the server to receive a request from the first user to submit a comment pertaining to the entity (request by user computer 120 for retrieval of the web page survey is transmitted to computer 130, including server 174, column 7, lines 31-38).

As per claim 79 and 88 Fuerst discloses prior to the server providing the requestor with the selected comment, the server to receive a request from the requestor to receive the selected comment (creator computer 130 receives

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comments/answers across network communications link 106, column 7, lines 31-36).

As per claims 80-82 and 89-91, neither Fuerst, Faulk et al, or the Feedback Forum disclose the server determining the first and second language, based upon identification information, a national domain suffix, and a selected default user preference, of the first user and the requestor, respectively. Bayer discloses enabling a voter or other registrant to register with system 10 in their preferred language (column 5, lines 53-58), a master language default (column 6, lines 40-46), and the domain name of the site for the registration (column 23, lines 42-45). Both Fuerst and Bayer et al are concerned with surveying via the internet, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include determining the preferred language in Fuerst, as seen in Bayer, making the Fuerst system more flexible and robust, by allowing the use of multiple languages.

Claims 83 and 94 are rejected based upon the same rationale as the rejection of claim 22. Further, Fuerst discloses the entity being a company product (column 3, line 65), a first client machine 120, network link 106, and second client machine 130, used by the creator (column 7, lines 33-36).

Claims 92 and 93 are rejected based upon the rejection of claim 83, since they are the machine-readable medium and system claims, corresponding to the method claim.

Response to Arguments

7. In the Remarks, Applicant argues that the proposed combination of Fuerst and Falk et al fail to teach a comment associated with the indicator represents an opinion of the first user with respect to how the online purchasing transaction with the second user transpired from a perspective of the first user. First, the Examiner submits that this limitation is considered non-functional descriptive material, wherein the limitation is not functionally involved in the steps recited nor alters the recited structural elements. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106. In addition, although the non-functional descriptive material does not distinguish the claimed invention from the prior art in terms of patentability, the Examiner submits the Feedback Forum (eBay.com, November 10, 1999, via web.archive.org) as teaching this limitation.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571) 272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



adb

January 20, 2006



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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3800